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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission 256m

COMMISSIONERS

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DOCKETED

MAR 01 2005

JEFF HATCH-MILLER, Chairman

WILLIAM A. MUNDELL

MARC SPITZER

MIKE GLEASON

KRISTINE K. MAYES

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
BEARDSLEY WATER COMPANY TO EXTEND
ITS CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-02074A-03-0608

FOURTH
PROCEDURAL ORDER

BY THE COMMISSION:

On August 26, 2003, Beardsley Water Company ("Company" or "Applicant"), filed an application for an extension of its Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water utility service in various parts of Maricopa County, Arizona.

On September 18, 2003, the Commission's Utilities Division ("Staff") issued a notice that the application had not met the sufficiency requirements of A.A.C. R14-2-411(C).

On October 1, 2004, in lieu of a letter of administrative sufficiency, Staff filed its Staff Report.

On October 5, 2004, by Procedural Order, the proceeding was scheduled for hearing on November 4, 2004.

On October 18, 2004, pursuant to the Commission's Procedural Order, public notice of the proceeding was provided.

On November 4, 2004, Applicant filed a Motion to Continue ("Motion") the proceeding because the parcel of land which is the subject of this proceeding has been sold and placed in escrow. The Company is requesting an indefinite continuance and is requesting that the time-frame pursuant to A.A.C. R14-2-411(C) be suspended until the new property owner is ready to go forward. Staff does not oppose the Company's Motion.

On November 5, 2004, by Procedural Order, the hearing was continued indefinitely and the time-clock suspended until a Motion to Reschedule was filed.

1 On December 7, 2004, Applicant filed a Motion to Reschedule the hearing.

2 On January 31, 2005, by Procedural Order, the proceeding was rescheduled for hearing on
3 February 3, 2005.

4 On February 3, 2005, a full public hearing was convened before a duly authorized
5 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Company and
6 Staff appeared with counsel. At the conclusion of the hearing, the matter was taken under
7 advisement pending Staff filing, not later than 45 days after the hearing, an addendum to Staff's
8 recommendations which set forth clearly the specific upgrades and/or improvements that Staff
9 believes are required for Applicant's existing system and when timely compliance filings concerning
10 related construction upgrades and/or improvements are due after which a recommended Opinion and
11 Order will be submitted to the Commission unless a further hearing is required on the Application.

12 On February 25, 2005, Staff filed a Motion to Admit the Staff Report, Exhibit S-1, which
13 Staff inadvertently failed to move into evidence at the hearing on February 3, 2005. Staff indicates
14 that the Company does not object to this Motion.

15 Accordingly, Staff's Motion to Admit Exhibit S-1 should be granted and the time-clock
16 should be suspended pending the issuance of a final Opinion and Order by the Commission.

17 IT IS THEREFORE ORDERED that the Commission's Utilities Division Motion to Admit
18 Exhibit S-1 is hereby granted.

19 IT IS FURTHER ORDERED that the filing of the addendum to the Staff Report shall be
20 made by March 21, 2005.

21 IT IS FURTHER ORDERED that the time-clock shall remain suspended until the issuance of
22 the Commission's final Opinion and Order in this proceeding.

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1 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 1st day of March, 2005


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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9 Copies of the foregoing mailed/delivered
this 1 day of March, 2005 to:

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